

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)

Access Charge Reform)

Requests for Emergency)

Temporary Relief Enjoining)

AT&T Corp. From)

Discontinuing Service Pending)

Final Decision)

CC Docket No. 96-262

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REPLY COMMENTS OF SPRINT CORPORATION

The parties filing in support of the petitioners' requests for emergency temporary relief against AT&T add nothing to the petitions that were addressed by Sprint in its initial comments. In reply, Sprint wishes to make two brief points.

First, the attempt of Buckeye Telesystem, Inc. to extend the requested emergency temporary relief to encompass the conduct of Sprint's long distance subsidiary, Sprint Communications Co. L.P.,¹ is procedurally improper and without merit. It would clearly be arbitrary to grant emergency temporary relief against Sprint on the strength of a suggestion to do so made in passing by a party in response to a petition specifically directed at conduct of another interexchange carrier. If Buckeye believes such relief is warranted, it should file a petition to that effect. In any event, Sprint's approach

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¹ See Buckeye's Comments at 4-5.

to excessive CLEC access charges is sufficiently different from AT&T's that even if emergency relief were warranted against AT&T (which Sprint believes not to be the case), it would be wholly unwarranted with respect to Sprint. The requests for emergency relief against AT&T were predicated on the consequences to the CLECs and their customers of AT&T's decision not to do business with these CLECs. Sprint's approach is different: Rather than refusing to purchase access at all, Sprint instead pays the CLECs at the ILEC rate and, by virtue of the CLECs' continued provision of access to Sprint, has an implied contract with these CLECs for access services on those terms. There is thus no "emergency" with respect to CLECs that warrants any relief from the Commission.

Second, Sprint endorses the views expressed by U S West. As U S West puts it (at 8):

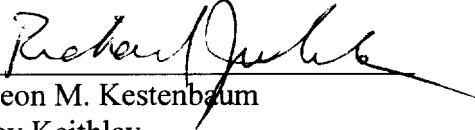
What the Commission cannot do is what RICA and Minnesota seem to seek — to order AT&T to purchase switched access from the CLECs represented by RICA and Minnesota without making some kind of lawful accommodation for ensuring that a governmentally-coerced purchase does not deprive AT&T of its fundamental right not to be coerced by the government into an economically unattractive business relationship without proper compensation.

Although CLECs account for only 2% of the switched access minutes of use billed to Sprint, their billed access charges are roughly 8-10% of the total amounts billed Sprint by all LECs for switched access. The Commission must either directly regulate the rates of these bottleneck service providers, or it must provide a clear roadmap for IXCs wishing to avoid saddling their shareholders and customers with the burdens of the rates that

many CLECs seek to impose. The Commission should deny the emergency requests for temporary relief and promptly resolve the underlying issue.

Respectfully submitted,

SPRINT CORPORATION

A handwritten signature in black ink, appearing to read "Richard Juhnke", written over a horizontal line.

Leon M. Kestenbaum

Jay Keithley

Richard Juhnke

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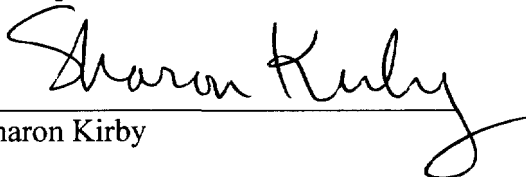
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June 29, 2000

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Reply Comments of Sprint Corporation in CC 96-262 was sent by United States first-class mail, postage prepaid, or hand delivery on this 29th day of June, 2000 to the parties listed below.


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